



BACKGROUND

Red River Land Dispute

Overview and History

- The Bureau of Land Management (BLM) is updating its Resource Management Plan (RMP) for lands managed by the BLM, which includes a 116 mile stretch of the Red River on the border between Texas and Oklahoma in Wilbarger, Wichita, and Clay counties.¹
- At a public meeting in Wichita Falls, Texas, BLM stated there is an estimated 90,000 acres of land along the 116 mile stretch of the Red River that may be considered public domain. This estimate has since been cut to 30,000 at most. Issues discussed for this land included open public access for hunting, recreation, and management.^{2,3}
- Many landowners and other public officials have expressed concerns over any BLM action that would result in the loss of private land to the federal government.⁴
- A large portion of the Texas/Oklahoma border has historically been the Red River going back to the southern limit of the Louisiana Purchase. The Supreme Court developed and approved the gradient boundary survey method in the 1920s to locate and identify the current Texas/Oklahoma boundary. Private property ownership in Oklahoma is generally acknowledged to extend to the medial line of the River. Therefore, there is a narrow strip along the southern half of the river that may be subject to federal ownership.⁵
- The Supreme Court affirmed that the Texas/Oklahoma boundary follows movements in the river that have occurred through the natural and gradual process known as erosion and accretion.⁵

Current Legislative Action

- U.S. Congressman Mac Thornberry (R-Clarendon) and U.S. Sen. John Cornyn (R-TX) introduced legislation today in the U.S. House and Senate, H.R. 2130 and S. 1153 respectively, to the Red River dispute.⁶
- The bill passed the House of Representatives in December by a vote of 253-177 and now awaits action in the Senate.¹⁰
- The bills would:
 - Commission a survey of the entire 116-mile stretch of contested area along the Red River using the gradient boundary survey method developed and backed by the Supreme Court to find the proper boundary between Texas and Oklahoma.
 - Order that the survey be conducted by Licensed State Land Surveyors chosen by the Texas General Land Office, and the final survey must ultimately be approved by the State.
 - Allow landowners who hold the proper right, title, and/or interest in the contested area to appeal any further public domain claims by BLM through an Administrative Law Judge.

- Prevent any contested land from being included in the Resource Management Plan until the survey is complete and private land is no longer subject to an appeal.
- Require BLM to sell off the surface rights of the remaining publicly owned land at fair market value after the proper boundary line is located and settled. The bill also explicitly states that the interest of the states and the sovereignty rights of the federally recognized Indian tribes north of the Texas State boundary line will not be affected.⁶

Past Legislative Actions

- Thornberry and Cornyn previously introduced legislation in the U.S. House and Senate, H.R. 4979 and S. 2537, respectively, to protect private property rights along the Red River from federal ownership claims.⁷
- Thornberry presented his bill to the Committee and testified about how it would resolve the land dispute.⁷
- Pat Canan, a Wichita County landowner, also testified at the hearing.⁸
- The House Resources Committee amended and reported the bill to the House in December, 2014.⁹

Please let us know if you require further information or have any questions we can assist you with on this issue or others.

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SOURCES:

- ¹ [BLM Notice of Intent To Prepare a Resource Management Plan for OK, KS, and TX](#)
- ² [KFDX - Concern Over Property Along Red River](#)
- ³ [Testimony of Steve Ellis, Deputy Director, Bureau of Land Management](#)
- ⁴ [Times Record News - Texans fight federal govt.](#)
- ⁵ [Oklahoma v. Texas - 258 U.S. 574 \(1922\) and 261 U.S. 340 \(1923\)](#)
- ⁶ [Press Release: Thornberry, Cornyn introduce bills to resolve Red River land dispute](#)
- ⁷ [Press Release: Thornberry testifies on behalf of Red River Landowners](#)
- ⁸ [Testimony of Mr. Pat Canan, House Committee on Natural Resources](#)
- ⁹ [H. Rept. 113-700 - 113th Congress \(2013-2014\), December 22, 2014](#)
- ¹⁰ [Bill to protect Red River landowners from Obama Administration passes House](#)